

# SPENCER FANE

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US EPA RECORDS CENTER REGION 5



426531

January 17, 2012

VIA E-MAIL TO [kerr.michelle@epa.gov](mailto:kerr.michelle@epa.gov) and  
CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Michelle Kerr, Remedial Project Manager  
U.S. Environmental Protection Agency - Region 5  
Superfund Division (SR-6J)  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3590

Re: General Notice Letter, Chemetco Superfund Site, Hartford, Illinois; Initial Response from Alcatel-Lucent USA Inc.

Dear Ms. Kerr:

This responds to a general notice letter date-stamped November 30, 2011 from the U.S. Environmental Protection Agency, Region V (EPA or the Agency) and addressed to the Prentice-Hall Corporation as registered agent for Lucent Technologies, Inc. (n/k/a Alcatel-Lucent USA Inc.) (Lucent), concerning the Chemetco Superfund Site in Hartford, Illinois (the Site). Lucent received the notice letter on or about December 9, 2011. The notice requests that Lucent provide an initial response by December 31, 2011. However, at a December 20, 2012 informational meeting held at EPA's offices in Chicago, EPA granted a blanket extension of that initial response date to January 17, 2012. This letter constitutes that initial response from Lucent.

EPA's notice letter informs Lucent that Lucent may be a potentially responsible party (PRP) for the Site, and requests that Lucent and other newly-noticed PRPs enter into negotiations concerning the Site and the performance or financing of future, as-yet undermined response actions, including a Remedial Investigation and Feasibility Study (RI/FS) to be performed under an Administrative Settlement Agreement and Order on Consent (ASAOC).

It is Lucent's policy to cooperate with government entities concerning environmental remediation projects for which it has or may have environmental responsibility, and to work with other companies on such projects. Lucent previously responded to a request for information from the Illinois Environmental Protection Agency (IEPA) concerning the Site, and has been in contact with representatives of several other Chemetco PRPs regarding EPA's notice letter. We also

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Michelle Kerr  
January 17, 2012  
Page - 2 -

attended EPA's December 20 meeting and are in receipt of a January 12, 2012 letter and informational DVD from EPA indicating that there will be a follow-up meeting in Chicago in February, which we plan to attend. Lucent is willing to work with other PRPs and to participate in EPA-initiated negotiations concerning appropriate response action or settlement mechanisms for the Site.

However, Lucent cannot adequately respond to EPA or to the RI/FS AOC PRPs without knowing how or why Lucent is alleged to be responsible for environmental contamination at the Site.

Accordingly, please consider this a request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and 40 C.F.R. Part 2.102 et seq. Please provide the undersigned with copies of all documents or information, not otherwise disclosed on the informational DVD, which EPA contends may link Lucent to the Site. We also would like information concerning EPA's incurred costs for the Site -- a summary document would be fine for now. We are willing to pre-authorize up to \$250 in copy costs to cover this request. If the FOIA response costs exceed this amount, please call.

EPA should be aware that commencing in 1982, Lucent's corporate predecessor AT&T Corporation went through the largest business reorganization in American history. That reorganization included the divestiture of 22 former wholly-owned subsidiaries and the closure of many AT&T-related facilities. Since the divestiture, Lucent itself has experienced additional reorganizations and an acquisition. Given this history, Lucent is not able to evaluate its potential responsibility, if any, for the Site without the assistance of EPA in providing whatever records EPA possesses regarding Lucent's alleged connections to the Site.

Finally, the Superfund Recycling Equity Act (SREA) of 1999, 42 U.S.C. §9627, is applicable to this Site. Lucent is evaluating the impact of SREA on the alleged links between Lucent and the Site. If that review, in light of available documents or other information from EPA or the other PRPs, does not demonstrate that Lucent has responsibility for environmental contamination at the Site, Lucent will be required to respectfully deny that it has any such liability. This response to EPA's notice letter, and Lucent's participation in any discussions or negotiations concerning the Site, does not and will not negate such a denial. Further, Lucent specifically reserves all rights and defenses it may have with regard to the Site, including the ability to supplement this response based on new or additional information, and retains all objections or defenses available to it at law or in equity.

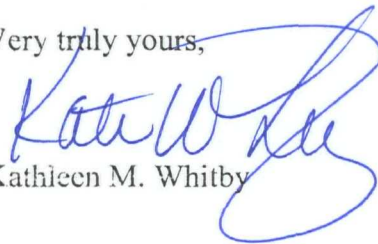
Thank you in advance for your attention to the FOIA request contained in this response and the courtesy of extending the intent to negotiate date. We look forward to obtaining additional

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January 17, 2012  
Page - 3 -

information from EPA in February. If you have any questions or wish to discuss this matter further, please do not hesitate to call.

Very truly yours,



Kathleen M. Whitby

cc via e-mail: A. Mendoza  
S. Oberkrom